

00764

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548**

FILE: B-186185

DATE: November 15 1976

MATTER OF: Stanley H. Fretwell - Relocation Expenses

**DIGEST:** Employee of Department of Interior National Park Service, who was transferred from Washington, D.C., to Denver, Colorado, claims reimbursement of real estate expenses incident to sale of residence in Arlington, Virginia, and purchase of residence in Staunton, Virginia, plus transportation of household goods to Staunton, and transportation of family to temporary duty station in Indiana in lieu of Denver. All claimed expenses may be allowed except those for purchase of residence in Staunton which bears no relationship to new station.

This matter is before us based upon a request dated March 23, 1976, by Fred L. Hayes, authorized certifying officer of the Department of the Interior National Park Service, for an advance decision concerning the propriety of paying the voucher of Stanley H. Fretwell representing relocation expenses incident to his transfer from Washington, D.C., to Denver, Colorado, in August 1975.

The record indicates that Mr. Fretwell is a Projects Supervisor who monitors projects being constructed by contractors. Concerning Mr. Fretwell's position the certifying officer states the following:

" \* \* \* The nature of his job requires him to be at whatever construction site he is responsible for. With his assignment to the Midwest/Rocky Mountain Team, Mr. Fretwell will generally be on extended temporary duty assignments at construction projects in the Midwest and Rocky Mountain Regions of the NPS which include the states of Colorado, Utah, Wyoming, Montana,

North Dakota, South Dakota, Nebraska, Ohio, Indiana, Michigan, Wisconsin, Illinois, Minnesota, Iowa, Missouri and Kansas.

"Project Supervisors in the Midwest/Rocky Mountain Team are generally in temporary duty status away from Denver at a construction site, in contrast to Mr. Fretwell's National Capital Parks Team assignments, which were generally in the Washington, D.C. area. There are no park areas in the Denver area but Mr. Fretwell will be required to travel to Denver from time to time on official business. However, Service Center officials have no specific plans that will require his spending a significant portion of his time in Denver.

"A change-of-station travel authorization to Denver was issued to Mr. Fretwell upon his re-assignment to the Midwest/Rocky Mountain Team to enable him to move his family to Denver. Mr. Fretwell's first assignment with the Midwest/Rocky Mountain Team was extended temporary duty at Vincennes, Indiana, where he reported directly from Arlington, Virginia. After Mr. Fretwell's official duty station was changed from Washington to Denver, he sold his residence in Arlington, Virginia, and purchased a residence in Staunton, Virginia.

\* \* \* \* \*

" \* \* \* the nature of a Construction Supervisor's function results in continuous moves (they do not spend the majority of their time in any one location) which are truly temporary

in nature and where it is in the Government's interest to pay temporary duty expenses (at a sharply reduced per diem rate) instead of paying change-of-station expenses for every move. In such circumstances, Denver seems to be a logical duty station since it is the base of operations."

In addition to selling his home in Arlington and buying a residence in Staunton, Mr. Fretwell moved his household effects to Staunton. However, he moved his family to his temporary duty station at Vincennes. He claims the following items:

1. Cost of selling home at old duty station
2. Cost of buying house in Staunton
3. Transportation of family to the temporary duty station in Indiana (in lieu of Denver)
4. Transportation of household goods to new home in Staunton
5. Miscellaneous expenses allowance

Subsection 5724(a)(4) of title 5, United States Code (1970), authorizes reimbursement of:

"Expenses of the sale of the residence  
\* \* \* of the employee at the old station  
and purchase of a home at the new official  
station \* \* \*"

Provisions in paragraph 2-6.1 of the Federal Travel Regulations (FPMR 101-7), effective May 1, 1973, specify, to the same effect, that:

" \* \* \* the Government shall reimburse an employee for expenses required to be paid by him in connection with the sale of one residence at his old official station, for purchase (including construction) of one dwelling at his new official station  
\* \* \*" (Emphasis added.)

Paragraph 2-i.4i of the Federal Travel Regulations defines "official station" as "the building or other place where the officer or

B-186185

employee regularly reports for duty." The section also provides that:

"With respect to entitlement under these regulations relating to the residence and the household goods and personal effects of an employee, official station or post of duty also means the residence or other quarters from which the employee regularly commutes to and from work. However, where the official station or post of duty is in a remote area where adequate family housing is not available within reasonable daily commuting distance, residence includes the dwelling where the family of the employee resides or will reside, but only if such residence reasonably relates to the official station as determined by an appropriate administrative official."

As indicated above Mr. Fretwell will generally be in a temporary duty status at various construction sites but will be required to travel from time to time on official business to Denver. Under such working conditions and since it is necessary to designate a headquarters before per diem in lieu of subsistence may be paid to Mr. Fretwell, the designation of Denver as his headquarters appears to be proper. See 23 Comp. Gen. 162 (1943). Accordingly, inasmuch as Mr. Fretwell was transferred and the house which he sold in Arlington apparently was the residence from which he regularly commuted to work, the item covering the costs of its sale may be reimbursed.

The record indicates that Mr. Fretwell could not commute on a daily basis from his new residence in Staunton. Also, we have previously held that where an employee returns to a residence only on weekends, such residence does not constitute "quarters from which the employee regularly commutes to and from work," pursuant to FTR paragraph 2-1.4i. See B-184004, April 27, 1976, and cases cited therein. Further, the record does not indicate that adequate family housing was unavailable in either Denver, Mr. Fretwell's official duty station, or Vincennes, his temporary

duty station. Further, the new residence does not seem to have any reasonable relation to the new official duty station. For the above reasons payment of expenses relating to the purchase of the house in Staunton cannot be allowed.

Paragraphs 2-2.2a and 2-8.2d, FTR, set out the points between which travel and transportation costs of an employee's family and transportation costs of his household goods may be allowable. These paragraphs provide, in pertinent part, as follows, respectively:

" \* \* \* Travel of the immediate family may begin at the employee's old official station or some other point, or partially at both, or may end at the new official station or some other place selected by the employee, or partially at both. However, the cost to the Government for transportation of the immediate family shall not exceed the allowable cost by the usually traveled route between the employee's old and new official stations.

\* \* \* \* \*

"d. Origin and destination. Cost of transportation of household goods may be paid by the Government whether the shipment originates at the employee's last official station or place of residence or at some other point, or if part of the shipment originates at the last official station and the remainder at one or more other points. Similarly, these expenses are allowable whether the point of destination is the new official station or some other point selected by the employee, or if the destination for part of the property is the new official station and the remainder is shipped to one or more other points. However, the total amount which may be paid or reimbursed by the Government shall not

exceed the cost of transporting the property in one lot by the most economical route from the last official station of the transferring employee (or the place of actual residence of the new appointee at time of appointment) to the new official station. \* \* \*

In view of the above regulations, it was not necessary that Mr. Fretwell's family or his household goods be transported to his new station. His family could proceed to the alternate destination, Vincennes, and his household goods could be transported to his residence in Staunton. Accordingly, the cost of transporting his family to Indiana may be reimbursed. Per diem in connection with such travel may be allowed in accordance with paragraph 2-2.1b, FTR. Likewise the cost of shipping Mr. Fretwell's household goods to Staunton may be reimbursed. However, in accordance with the regulations cited above, the reimbursement of expenses for transporting the family and household goods may not exceed the constructive cost of transportation to Denver, Colorado, the employee's new duty station.

Pursuant to the provisions of 5 U.S.C. § 5724a(b), paragraph 2-3.2a, FTR, provides the following:

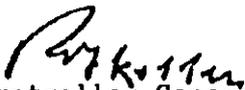
"A miscellaneous expense allowance will be payable to an employee for whom a permanent change of station is authorized or approved and who has discontinued and established a residence in connection with such change regardless of where the old or new official stations are located; provided that the applicable eligibility conditions in 2-1.5 are met and the agreement required in 2-1.5a(1) is signed."

In the instant case Mr. Fretwell and his family have discontinued their residence at the old station. Mr. Fretwell has proceeded to a temporary duty station, and his family has joined him there. We believe that the regulations normally require the establishment of a permanent residence in order for payment of the miscellaneous expenses allowance. However, in a case, such as this one, where the employee has a designated headquarters for per diem

B-156185

purposes only, he is required to perform long periods of temporary duty away from his headquarters most of the time, and he cannot relocate his family to a central point in the area where he performs temporary duty, we are of the opinion that establishment of a residence by the employee for himself and his family at a temporary duty station entitles him to payment of the miscellaneous expenses allowance at the with family rate in paragraph 2-3.3a(2).

The voucher, which is returned, may be certified for payment only in accordance with the above if otherwise proper.

  
Acting Comptroller General  
of the United States